

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America
v.
Christopher Cornelius Daniels

Case No: 5:11-cr-57-1BR

USM No: 55253-056

Date of Original Judgment: 11/01/2011

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

As for defendant's motion based on Amendment 782, his base offense level resulted from the career offender guideline, and therefore, the court lacks the authority to reduce defendant's sentence on this basis. See United States v. Munn, 595 F.3d 182 (4th Cir. 2010). As for defendant's motion based on Amendment 794, that Amendment amended U.S.S.G. 3B1.2 which pertains to decreasing a defendant's base offense level for a mitigating role. The Sentencing Commission has not made Amendment 794 retroactive, U.S.S.G. 1B1.10(d), and therefore, the court lacks the authority to reduce defendant's sentence on this basis. Defendant's motions are DENIED.

Except as otherwise provided, all provisions of the judgment dated 11/01/2011 shall remain in effect.

IT IS SO ORDERED.

Order Date: 8/21/2017

Effective Date: _____
(if different from order date)

W. Earl Britt, Senior US District Judge

Printed name and title